

115TH CONGRESS
1ST SESSION

H. R. 2857

AN ACT

To support foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Supporting Families
3 in Substance Abuse Treatment Act”.

4 **SEC. 2. FOSTER CARE MAINTENANCE PAYMENTS FOR CHIL-**
5 **DREN WITH PARENTS IN A LICENSED RESI-**
6 **DENTIAL FAMILY-BASED TREATMENT FACIL-**
7 **ITY FOR SUBSTANCE ABUSE.**

8 (a) IN GENERAL.—Section 472 of the Social Security
9 Act (42 U.S.C. 672) is amended—

10 (1) in subsection (a)(2)(C), by striking “or”
11 and inserting “, with a parent residing in a licensed
12 residential family-based treatment facility, but only
13 to the extent permitted under subsection (j), or in
14 a”; and

15 (2) by adding at the end the following:

16 “(j) CHILDREN PLACED WITH A PARENT RESIDING
17 IN A LICENSED RESIDENTIAL FAMILY-BASED TREAT-
18 MENT FACILITY FOR SUBSTANCE ABUSE.—

19 “(1) IN GENERAL.—Notwithstanding the pre-
20 ceding provisions of this section, a child who is eligi-
21 ble for foster care maintenance payments under this
22 section shall be eligible for the payments for a period
23 of not more than 12 months during which the child
24 is placed with a parent who is in a licensed residen-
25 tial family-based treatment facility for substance
26 abuse, but only if—

1 “(A) the recommendation for the place-
2 ment is specified in the child’s case plan before
3 the placement;

4 “(B) the treatment facility provides, as
5 part of the treatment for substance abuse, par-
6 enting skills training, parent education, and in-
7 dividual and family counseling; and

8 “(C) the substance abuse treatment, par-
9 enting skills training, parent education, and in-
10 dividual and family counseling is provided
11 under an organizational structure and treat-
12 ment framework that involves understanding,
13 recognizing, and responding to the effects of all
14 types of trauma and in accordance with recog-
15 nized principles of a trauma-informed approach
16 and trauma-specific interventions to address the
17 consequences of trauma and facilitate healing.

18 “(2) PAYMENT AMOUNT.—The amount the
19 State may receive under section 474(a)(1) for a
20 child placed with a parent who is in a licensed resi-
21 dential family-based treatment facility for substance
22 abuse shall not exceed the amount the State would
23 otherwise be eligible to receive under such section
24 based on where the child would be appropriately

1 placed in a setting described in section 472(a)(2)(C)
2 if such treatment setting were not available.

3 “(3) APPLICATION.—With respect to children
4 for whom foster care maintenance payments are
5 made under paragraph (1), only the children who
6 satisfy the requirements of paragraphs (1)(B) and
7 (3) of subsection (a) shall be considered to be chil-
8 dren with respect to whom foster care maintenance
9 payments are made under this section for purposes
10 of subsection (h) or section 473(b)(3)(B).”.

11 (b) CONFORMING AMENDMENT.—Section 474(a)(1)
12 of such Act (42 U.S.C. 674(a)(1)) is amended by inserting
13 “subject to section 472(j),” before “an amount equal to
14 the Federal” the first place it appears.

15 **SEC. 3. EFFECTIVE DATE.**

16 (a) EFFECTIVE DATES.—Subject to subsection (b),
17 the amendments made by this Act shall take effect on Oc-
18 tober 1, 2017.

19 (b) TRANSITION RULE.—

20 (1) IN GENERAL.—In the case of a State plan
21 under part E of title IV of the Social Security Act
22 which the Secretary of Health and Human Services
23 determines requires State legislation (other than leg-
24 islation appropriating funds) in order for the plan to
25 meet the additional requirements imposed by the

1 amendments made by this Act, the State plan shall
2 not be regarded as failing to comply with the re-
3 quirements of such part solely on the basis of the
4 failure of the plan to meet such additional require-
5 ments before the first day of the first calendar quar-
6 ter beginning after the close of the first regular ses-
7 sion of the State legislature that begins after the
8 date of enactment of this Act. For purposes of the
9 previous sentence, in the case of a State that has a
10 2-year legislative session, each year of the session
11 shall be deemed to be a separate regular session of
12 the State legislature.

13 (2) APPLICATION TO PROGRAMS OPERATED BY
14 INDIAN TRIBAL ORGANIZATIONS.—In the case of an
15 Indian tribe, tribal organization, or tribal consortium
16 which the Secretary of Health and Human Services
17 determines requires time to take action necessary to
18 comply with the additional requirements imposed by
19 the amendments made by this Act (whether the
20 tribe, organization, or tribal consortium has a plan
21 under section 479B of the Social Security Act or a
22 cooperative agreement or contract entered into with
23 a State), the Secretary shall provide the tribe, orga-
24 nization, or tribal consortium with such additional
25 time as the Secretary determines is necessary for the

1 tribe, organization, or tribal consortium to take the
2 action to comply with the additional requirements
3 before being regarded as failing to comply with the
4 requirements.

Passed the House of Representatives June 20, 2017.

Attest:

Clerk.

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